

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Yoshio MIKI et al. )  
Application No.: 10/578,077 ) Group Art Unit:  
Filed: May 3, 2006 ) Examiner:  
For: METHOD AND KIT FOR )  
ESTIMATING SIDE EFFECT )  
BY PACLITAXEL THERAPY )

**U.S. National Phase of International Application No. PCT/JP2004/016805**

**MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicants bring to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the Supplementary European Search Report. Copies of the listed foreign patent documents and non patent literature document are attached. Applicants respectfully request that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

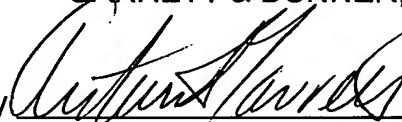
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 20, 2007

By



Ernest F. Chapman  
Reg. No. 25,961

Enclosures  
EFC/FPD/gah

<b>IDS Form PTO/SB/08: Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>			
				Application Number		10/578,077	
				Filing Date		May 3, 2006	
				First Named Inventor		Yoshio MIKI	
				Art Unit			
				Examiner Name			
Sheet	1	of	1	Attorney Docket Number		08178.0031	

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-6,528,260 B1	03-04-2003	Blumenfeld et al.	
		US-			
		US-			
		US-			
		US-			
		US-			

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO-03/045227 A2	06-05-2003	DNAPRINT GENOMICS INC		
		WO-02/099099 A2	12-12-2002	EPIDAUROS BIOTECHNOLOGIE AG		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		ISOMURA et al.; Abstract of "ADVERSE EFFECTS OF PACLITAXEL CAN BE PRECISELY PREDICTED BY COMBINATIONS OF POLYMORPHISMS ON TWO GENOMIC LOCI.", American Journal of Human Genetics; Vol. 73, No. 5, page 174, (2003) & 53 <sup>rd</sup> Annual Meeting of the American Society of Human Genetics Los Angeles, CA November 4-8, 2003	

Examiner Signature		Date Considered	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.